

20IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISON

IN RE:

THE PAVILION AT PORT ORANGE, LLC

CHAPTER 11

Case No.: 4:20-bk-35226 (DRJ)

Debtor

---

MIGDALIA RODRIGUEZ

Movant

---

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW Movant, MIGDALIA RODRIGUEZ, by and through her undersigned counsel, and files this Motion for Relief from Automatic Stay seeking relief from the automatic stay pursuant to 11 U.S.C. § 362(d) in order to continue their state court litigation filed in Volusia County, Florida, for the sole purpose of establishing Debtor's, THE PAVILION AT PORT ORANGE, LLC, liability and recovering from its insurance carrier, and states as follows:

1. On May 8, 2020, the Movant, MIGDALIA RODRIGUEZ, filed a Complaint in the Circuit Court of Volusia County, Florida; Case No. 2020-30648-CICI, against Debtor, THE PAVILION AT PORT ORANGE, LLC, for injuries sustained in a trip and fall on October 20, 2019.

2. On or about November 5, 2020, the Debtor filed a Suggestion of Bankruptcy in the Circuit Court of the 7th Judicial Circuit for Volusia County, Florida, Case No. 2020-30648-CICI.

4. At the time of the subject incident, Debtor, THE PAVILION AT PORT ORANGE, LLC, had available and sufficient bodily insurance coverage through Somp International Insurance in the amount of \$1,000,000.00.

5. Movant, MIGDALIA RODRIGUEZ, will not be seeking damages in excess of available insurance coverage against Debtor, THE PAVILION AT PORT ORANGE, LLC.

WHEREFORE, Movant, MIGDALIA RODRIGUEZ, respectfully requests that this Court enter an Order lifting the stay in Case No. **20-35226 (DRJ)** filed in United States Bankruptcy Court for the Southern District of Texas, Houston Division, to allow Movant, MIGDALIA RODRIGUEZ, to proceed with her pending state court action against Debtor, THE PAVILION AT PORT ORANGE, LLC.

Dated this 25<sup>th</sup> day of February, 2021

Respectfully submitted,

/s/ *Susan W. Tolbert*

---

Susan W. Tolbert, Esquire  
FBN 0614327  
Morgan & Morgan, P.A.  
444 Seabreeze Boulevard  
Suite 100  
Daytona Beach, Florida 32118  
Telephone: (386) 947-9959  
Facsimile: (386) 265-6535  
Primary email: STolbert@forthepeople.com  
Secondary email: SBooth@forthepeople.com  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I CERTIFY that on this 25<sup>th</sup> day of February 2021, the foregoing was electronically filed the with the Clerk of the Court by using CM/ECF, which will send a Notice of Electronic Filing to all parties of record.

/s/ *Susan W. Tolbert*

---

Susan W. Tolbert, Esquire

FBN 0614327

Morgan & Morgan, P.A.

444 Seabreeze Boulevard

Suite 100

Daytona Beach, Florida 32118

Telephone: (386) 947-9959

Facsimile: (386) 265-6535

Primary email: STolbert@forthepeople.com

Secondary email: SBooth@forthepeople.com

Attorneys for Plaintiff